

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Chief Financial Officer

Natwar M. Gandhi
Chief Financial Officer



MEMORANDUM

TO: The Honorable Linda W. Cropp
Chairman, Council of the District of Columbia

FROM: Natwar M. Gandhi
Chief Financial Officer

DATE: November 18, 2002

SUBJECT: Fiscal Impact Statement: "Establishment of an Office of the District Attorney for the District of Columbia Charter Amendment Act of 2002"

REFERENCE: Bill Number 14-600 as Engrossed

Conclusion

Funds are not sufficient in the FY 2003 through FY 2006 budget and financial plan as agreed upon by the Mayor and the Council of the District of Columbia to implement the provisions of the proposed legislation. **The proposed legislation will result in unbudgeted costs of \$57 million in FY 2003 and \$237 million in the FY 2003 through FY 2006 budget and financial plan.** The unbudgeted costs reflect federal costs in the U.S. Attorney's Office that would become the responsibility of the District if U.S. Attorney resources are moved to the proposed new office.

Anti-deficiency laws, 31USCA § 1341 (2000), prohibit District officers and employees from exceeding agency appropriations in any fiscal year. Should the District determine that funding is available to absorb the additional costs in FY 2003, then the net fiscal impact would be zero for this year. For subsequent years, the additional expenditures need to be included as budgeted expenditures.

Background

The proposed legislation would amend the Home Rule Act for the purpose of establishing a position of District Attorney and an Office of the District Attorney for the government of the District of Columbia. The proposed District Attorney would be the chief legal officer for the District of Columbia. This position would be locally elected, have the responsibility for prosecuting local law and have the authority for all local enforcement

of civil and criminal law. In addition, the proposed legislation establishes the requirements for qualifying and holding the proposed office.

Financial Plan Impact

The FY 2002 budget for the U.S. Attorney's Office provides 511 FTEs with an estimated salary of \$39¹ million. The estimated operational budget for Nonpersonal services (NPS) at the U.S. Attorney's Office is \$16 million for FY 2002. Assuming Personnel Services (PS) costs are inflated by a factor of 3.5 percent beginning in FY 2003 and NPS costs inflate by a factor of 2.7 percent beginning in FY 2003 the following table presents the costs associated with implementing the proposed legislation if the U.S. Attorneys Office is wholly transitioned to local authority.

Estimated Impact to the Financial Plan					
(\$ in millions)					
Item	FY 2003	FY 2004	FY 2005	FY 2006	4-Year Total
PS Budget	\$40	\$42	\$43	\$44	\$169
NPS Budget	16	17	17	18	68
Net Annual Impact	\$57	\$58	\$60	\$62	\$237

The District's Office of Corporation Counsel (OCC) is responsible for civil enforcement of local law. If the OCC were to become part of the proposed Office of the District Attorney, then the following table presents the currently funded local budget. OCC has 392 FTEs with an estimated salary of \$23 million budgeted for in FY 2003. The FY 2003 local operational budget for the Corporation Counsel is estimated at \$6 million.

OCC Budget Provided in the Long-Term Financial Plan					
(\$ in millions)					
Item	FY 2003	FY 2004	FY 2005	FY 2006	4-Year Total
PS	\$23.0	\$23.8	\$24.6	\$25.5	\$96.9
NPS	6.0	6.1	6.4	6.7	25.2
Net Annual Budget	\$29.0	\$39.9	\$31.0	\$32.2	\$122.1

The Chief Financial Officer's legislative fiscal analysis is prepared by the Special Projects and Fiscal Analysis Administration in the Office of Research and Analysis. Contact us at 441 4th Street, NW, Suite 400S, Washington D.C., 20001 or view our work on-line at <http://cfo.dc.gov>.

¹ The U.S. Attorney's Office at the Superior Court of the District of Columbia estimates its personnel services expenditures as being 71 percent of the total budget.